

UTILITIES COMMISSION

May 12, 2009

7:00 p.m.

The Stafford County Utilities Commission met for its regular meeting on May 12, 2009, in the Board Chambers in the Stafford County Administration Center. Commission members present were Rick Carroll, Lloyd Chittum, Bob Hunt, Patricia Kurpiel, Wendy Surman, Bill Tignor and Clarence Young. Harry Critzer, Dale Allen, Susan Fitzgibbon and Cheryl Giles were present for the Utilities Department.

1. Amend Section 25-71 Regarding Mandatory Water & Sewer Connections Public Hearing – Dale Allen presented the proposed changes for Section 25-71. Dale reported the changes were determined by a subcommittee comprised of Supervisor Joe Brito and Supervisor Bob Woodson. The proposed changes were as follows:

- The developer or owner of any property who is required to submit a preliminary subdivision plan, a subdivision construction plan, a minor subdivision plan, or a major site plan located outside of the urban services area as defined in the county's comprehensive plan shall utilize onsite wells and wastewater treatment and disposal systems in conformance with the county's comprehensive plan.
- The developer or owner of any property who is required to submit a preliminary subdivision plan, a subdivision construction plan, a minor subdivision plan, or a major site plan located outside of the urban services area as defined in the county's comprehensive plan may be required to utilize the public water system if, in the opinion of the director of utilities, such utilization of the public water system would provide benefits to the water distribution system such as looping existing dead-end lines outside the urban services area and/or improving fire flows, and if such utilization of the public water system is approved by the board of supervisors.
- A fifth guideline for approval of a waiver from the requirement to use the public water and sewer systems inside the Urban Services Area would be that the proposed uses are in conformance with the county's comprehensive plan.

Dale stated that staff recommends deferral of the proposed changes until the Board adopts the new Comprehensive Plan to ensure continuity with newly adopted land use policies.

Commission members briefly discussed the location of existing dead-end lines outside of the Urban Services Area (USA).

2. Public Presentations – Chairman Bob Hunt then opened the public hearing for statements from the public. Mr. Jervis Hairston with Silver Companies commented his concerns regarding the process that residents outside of the USA would have to take to acquire public water service.

After some discussion by commission members, Wendy Surman made a motion to accept staff's recommendation to defer proposed changes until the Board adopts the new Comprehensive Plan. The motion was seconded by Lloyd Chittum and passed with a 5-2 vote. Patricia Kurpiel and Clarence Young were the opposing votes. Patricia Kurpiel explained she was not in favor of the motion.

3. **Approval of Minutes** – Minutes for the April 14, 2009 meeting were approved as written.

4. **Availability and User Fees** – Susan Fitzgibbon began the presentation by stating that the Commission had discussed last month a proposed 8% user fee increase. The proposed increase did not include the Payment in Lieu of Taxes (PILOT) fee. Due to the PILOT fee, the proposed user fees would need to be increased. Susan then provided a definition of the PILOT fee. The PILOT fee is a “recurring charge determined by policy of the governing body, that is often, but not always, computed as though the utility is privately owned and subject to property tax.” Susan explained the \$600,000 annual amount for the PILOT was determined by a high level estimate of what would be paid if the Utilities System were assessed and charged real estate tax.

Susan provided two user fee rate alternatives which would cover the cost of the PILOT program. Susan explained that Alternative 1 consists of a modified 8% increase plus \$1.50 demand fee increase to cover the PILOT fee. The user portion of debt service would be covered within the availability rates, so the combined availability fee for water and sewer would be \$11,100. Alternative 2 consists of a modified 8% increase plus a \$3.00 demand fee increase. It includes PILOT plus the originally proposed \$1.50 demand fee increase for user portion of debt service and a \$10,400 combined availability fee for water and sewer. Staff recommends Alternative 2.

Patricia Kurpiel inquired if the PILOT program had been benchmarked with other jurisdictions. Susan responded she called a number of jurisdictions that Stafford typically benchmarks against and none of them that had responded had a PILOT program.

Several Commission members expressed concern about the legality of the PILOT program. Patricia Kurpiel commented that a public hearing should have been held to inform customers about the PILOT program and the increase in user fees concurrently. Bob Hunt commented he feels the program sets a precedent which could lead to larger fees and/or other departments being charged.

Patricia Kurpiel made a motion to accept staff’s recommendation of Alternative 2 for the user fees rate increase and to hold a public hearing. The motion was seconded by Wendy Surman and passed unanimously.

5. **Terminal Reservoir Ordinance** – Harry Critzer reported he polled several public reservoirs in Virginia and Maryland to inquire if they allow swimming in the reservoirs. Out of the 22 responses he received, they all said **no swimming** was allowed in public reservoirs.

The Health Department and our insurance company were also contacted. The insurance company responded that “Allowing swimming at a naturally occurring beach is okay. They strongly recommend against swimming in a man-made reservoir without lifeguards. The county would be taking significant risk by allowing swimming in a man-made reservoir. Lifeguards should be provided if swimming is allowed and they should be open-water lifeguards.” The Health Department regional office responded that state code says “large terminal reservoirs may be used for body contact recreation and boats powered by gasoline engines provided a buffer zone

acceptable to the division and water purveyor is furnished.” The Health Department stated the drinking water supply should be kept as pristine as possible.

The Commission members agreed that proposed ordinance O09-14 which was recommended to the Board of Supervisors by the Utilities Commission in March, 2009 was well thought through and should remain unchanged.

6. Utilities Director’s Report – Harry Critzer reported the following items:

- ❖ The public hearing for the Environmental Assessment for the Aquia Wastewater Treatment Facility upgrades was held on Monday, April 29 at 7:00p.m. There were no public presentations.
- ❖ Once printing quotes are received, the annual Water Quality Report would be ready for distribution sometime in early June.

7. Commission Members Comments – Bill Tignor commented that the most unsettling aspect of the PILOT is the lack of communication between the Board of Supervisors and the Utilities Commission.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

William C. Tignor,
Recording Secretary